UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA	:	
	:	
v.	:	CR No. 05-114S
	:	
ROBERT VIRUET	:	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Robert Viruet's Motion to Proceed *In Forma Pauperis* ("IFP") pursuant to 28 U.S.C. § 1915. (Document No. 60). Defendant filed his Motion in the First Circuit Court of Appeals, which transmitted his request to this Court pursuant to Fed. R. App. P. 24(a)(1). The Motion has been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); LR Cv 72(a). Plaintiff has submitted his prison trust account statement and a supporting Affidavit. Defendant's Motion to Proceed IFP (Document No. 60) is GRANTED.

Pursuant to 28 U.S.C. § 1915(b)(1), however, a prisoner who is granted leave to proceed IFP must pay, as an initial partial filing fee, twenty percent (20%) of the greater of (A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in his account for the six-month period immediately preceding filing of the Complaint. After paying the initial partial filing fee, the prisoner shall be required to make monthly payments of twenty percent (20%) of the preceding month's income credited to his account. 28 U.S.C. §1915(b)(2). The agency having custody of the prisoner shall forward such subsequent payments from the prisoner's account to the Clerk of the Court each time the amount exceeds $10.00, until the filing fee is paid in full. Id.

Accordingly, after a review of Defendant's prison trust account statement, and his Affidavit filed in support of his Motion to Proceed IFP, Defendant shall be assessed an initial partial filing fee payment of $5.00. The Fairton Federal Correctional Institution ("FCI") is hereby ordered to forward an initial payment on Defendant's behalf to the Clerk of the Court for the District of Rhode Island. Provided Defendant's prison trust account equals or exceeds the initial fees assessed, the initial fee shall be forwarded to the Clerk of the Court within twenty (20) days of this Order. If Defendant lacks sufficient funds to pay the fee, the initial payment shall be forwarded by the Fairton FCI as soon as the balance in Defendant's prison trust account equals or exceeds $5.00. Furthermore, the Fairton FCI shall forward to the Clerk of the Court subsequent monthly payments of twenty percent (20%) of Defendant's preceding month's income each time Defendant's account balance exceeds $10.00. Such fees shall be forwarded until the filing fee of $450.00 has been paid in full.

So ordered.

PER ORDER:

/s/ Martha Saucier
Deputy Clerk

ENTER:

/s/ Lincoln D. Almond
Lincoln D. Almond
United States Magistrate Judge
May 12, 2008